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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/967,036 | 09/28/2001 | Clyde S. Clark | 42390P12321 | 4845 |

7590 11/16/2006

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EXAMINER

PATEL, NIMESH G

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
| | 2111 |

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/967,036 | CLARK ET AL. | |
| | Examiner | Art Unit | |
| | Nimesh G. Patel | 2112 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 August 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 31-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 31-41 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 July 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 31-41 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,618,783 to Hammersley.

3. With regard to claims 31, Hammersley discloses a system including: a bus(Figure 2, 124(a)); first host system(Fig. 2, including items 110(a) and 122(a)) coupled to the bus to control a first plurality of peripherals via the bus(Column 5, Lines 35-40); and a second host system(Fig. 2, including items 110(b) and 122) coupled to the bus to control a second plurality of peripherals via the bus(Column 5, Lines 35-40), wherein the first host system and the second host system each include a controller. The controller includes a fault detection module coupled with fault detection hardware, the fault detection module to receive a notification from the fault detection hardware indicating a fault (column 4, lines 64-67 to column 5, lines 1-3; column 5, lines 51-54; and column 6, lines 25-55), of either the first host system or the second host system, wherein when the fault occurs, the host system that failed suspends control of and disconnects from the bus, and the host system that is still active takes control of the plurality of peripheral devices coupled to the host that failed(column 6, lines 56-67 to column 7, lines 1-56).

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4. With regard to claims 32-36, see generally: Fig. 2, items 112(a), 112(b), 116(a) and 116(b); column 4, lines 4-17 and lines 46-63; column 4, lines 4-30; and (column 6, lines 56-67 to column 7, lines 1-56).

5. With regard to claim 37, Hammersley discloses a method including: controlling a first plurality of peripherals on first host(Fig. 2, including items 110(a) and 122(a)) via a bus(Column 2, 124(a))(Column 5, Lines 35-40); controlling a second plurality of peripherals on a second host system(Fig. 2, including items 110(b) and 122) via the bus(Column 5, Lines 35-40); and receiving a notification from fault hardware indicating a fault of either the first host system or the second host system, wherein when the fault occurs, the host system that failed suspends control of and disconnects from the bus, and the host system that is still active takes control of the plurality of peripheral devices coupled to the host that failed(column 6, lines 56-67 to column 7, lines 1-56).

6. With regard to claim 38, Hammersley discloses: accessing the first and second plurality of applications executed on the first host system and the second host system(Fig. 2, items 112(a), 112(b), 116(a) and 116(b); column 4, lines 46-63); and providing clock signals to the plurality of buses (column 4, lines 4-17).

7. With regard to claims 39-41, Hammersley discloses: where the first and second plurality of buses comprises a plurality of COMPACTPCI buses (column 4, lines 4-30); and where the method further includes the steps of receiving the control signals to be used during startup and fail-over; and responding to the control signals received during startup and fail-over (column 6, lines 56-67 to column 7, lines 1-56).

8. Therefore, Hammersley discloses the invention as specified in claims 31-41.

Response to Arguments

9. Applicant's arguments with respect to claims 31-41 have been considered but are not persuasive.
10. In response to applicant's argument that Hammersley does not disclose "a fault detection module to receive notification from the fault detection hardware indicating a fault and when the fault occurs, the host system that failed suspends control of and disconnects from the bus, and the host system that is still active takes control," Examiner respectfully disagrees. Hammersley does disclose a fault detection module to receive notification from the fault detection hardware indicating a fault(Column 4, lines 64 - Column 5, lines 1-3; Column 5, lines 51-54; and Column 6, lines 25-55) and when the fault occurs, the host system that failed suspends control of and disconnects from the bus, and the host system that is still active takes control(Column 6, lines 56-67; Column 7, lines 1-56).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nimesh G. Patel whose telephone number is 571-272-3640. The examiner can normally be reached on M-F, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinehart H. Mark can be reached on 571-272-3632. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nimesh G Patel
Examiner
Art Unit 2112

NP
November 6, 2006



Glenn A. Auve
Primary Patent Examiner
Technology Center 2100